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CAPITAL ONE BANK (USA), N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17
18 PRISCILLA BARTON, individually and on
behalf of all others similarly situated,

Case No. 12-cv-5412

CLASS ACTION

STIPULATION SETTING BRIEFING
SCHEDULE AND RESETTING INITIAL
CMC AND [PROPOSED] ORDER

Honorable Susan Illston

Complaint filed: October 19, 2012

21 CAPITAL ONE BANK (USA) N A

Defendant

20 ||

CHINA ONE BANK (USA), N.A.,

22 || Defendant.

STIPULATION

Pursuant to Civil Local Rule 6-2, 7-11, and 16-2, the Defendant, Capital One Bank (USA), N.A. (“Capital One”) and Plaintiff Priscilla Barton hereby submit this Stipulated Request for an Order Setting Briefing Schedule and Resetting the Initial Case Management Conference.

WHEREAS, on November 13, 2012, prior to the reassignment of this action to this Court, the parties filed a stipulation extending the deadline for Capital One to respond to the complaint to on or before December 28, 2012 (ECF No. 13);

WHEREAS, Capital One intends to file a motion to dismiss;

WHEREAS, the parties believe that the issues presented by the case warrant a briefing schedule that permits additional time, and wish to establish such a schedule and hearing in an orderly fashion;

WHEREAS, the Initial Case Management Conference is currently scheduled for January 25, 2013 and the case management statement due January 18, 2013 (ECF No. 16);

WHEREAS, in the interests of the convenient and efficient administration of this action, the CMC should be conducted at the same time as the hearing on the motion to dismiss,

THEREFORE, the parties request an Order setting the following schedule:

1. Capital One's motion to dismiss: January 4, 2013;
2. Plaintiff's opposition: February 1, 2013;
3. Capital One's reply: February 15, 2013;
4. Hearing: March 1, 2013, or the next available hearing date thereafter;
5. Initial Case Management conference: March 1, 2013, or the next available date thereafter.

IT IS SO STIPULATED.

1 Dated: December 26, 2012

2 MORRISON & FOERSTER LLP

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4 By: /s/ James R. McGuire
James R. McGuire

5 Attorneys for Defendant
6 CAPITAL ONE BANK (USA), N.A.

7 Dated: December 26, 2012

8 STEVE W. BERMAN (*Pro Hac Vice*)
9 ARI Y. BROWN (*Pro Hac Vice*)
10 HAGENS BERMAN SOBOL SHAPIRO LLP

11 HARRY SHULMAN
12 SHULMAN LAW

13 By: /s/ Ari Y. Brown
14 ARI Y. BROWN

15 Attorneys for Plaintiff
16 PRISCILLA BARTON

17 **GENERAL ORDER 45 ATTESTATION**

18 I, James R. McGuire, am the ECF User whose ID and password are being used to file the
19 foregoing document. In compliance with General Order 45, X.B., I hereby attest that Ari Y.
20 Brown has concurred in this filing.

21 /s/ James R. McGuire
22 James R. McGuire

23 **[PROPOSED] ORDER**

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 Date: 1/8/13

26 Hon. Susan Illston
27 United States District Judge

